

### **REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present Application. Claims 14 – 29 and 31 - 53 are pending in the present application. Claims 14, 32, and 40 are independent claims. By this response, claims 14 and 32 are amended and claims 51 - 53 are added.

### **Interview Request**

Applicants respectfully request a personal interview with the Examiner. The Examiner is requested to contact Applicants' representative Naphtali Y. Matlis at 703-205-8069 to determine a suitable time.

### **Claim Rejections under 35 U.S.C. §112**

Claims 14 – 29 and 31 – 50 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

The Office Action alleges that the use of the term “such as” renders claims 14 and 32 indefinite. Applicants hereby amend claims 14 and 32 to remove the term “such as.” Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

### **Claim Rejections under 35 U.S.C. §103 – Hilford and Brooks**

Claims 14, 18, 21, 24 – 29, 32 – 35, 37, 40 – 42, 46, 49, and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,354,405 to Svensson-Hilford (“Hilford”) in view of U.S. Patent 6,898,299 to Brooks (“Brooks”). Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

Claim 14

Independent claim 14 pertains to a method of repaying investment costs associated with an elevator installation, the method comprising, in pertinent part, reading an elevator user's personal data from an access device that is used to identify and charge a user for travel on the elevator system, "wherein said access device further allows said passenger to access and pay for travel on other means of transport such as public transportation systems, taxis, trains, ships, airplanes, and other similar modes of transportation."

Brooks is Non-Analogous Art

Applicant notes that Brooks is directed towards a biometric recognition system based on electric and / or magnetic characteristics. The entirety of Brooks' invention disclosure is concerned with biometric measurement.

Although a reference from a different field of endeavor may be applied in some cases, the reference must be "one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his or her invention as a whole." (MPEP section 2141.01(a).I)

In the case of Brooks, the subject matter is biometric identification and authentication to verify the identity of a person attempting to access a biometrically-protected system. Any concept related to employing an access device as a means of payment in a fashion similar to a metro card for bus or train access, or as a payment device for a taxi, or a car-sharing service, or as a source of payment for any number of other transportation options (elevators, ferries, shuttles, commuter flights, trains, etc.) is wholly missing from Brooks. There is nothing in the teachings of Brooks that would commend it to an inventor developing a user-carried access device useful for paying for multiple personal transportation options. This is doubly true in the case of mass-transit solutions (taxis, trains, buses), where biometric protection or biometric encoding is almost wholly unheard-of as a practical and practicable means of access.

Applicant therefore respectfully submits that Brooks is non-analogous art and may therefore not be properly relied upon as a reference against the present Application.

#### Brooks Has No Concept of Payment

As noted above, Brooks is directed purely at biometric authentication and has no concepts or teachings whatsoever related to payment for transportation services of any kind. There is no conceptual connection taught or suggested by Brooks that would suggest the notion of paying for transportation services, nor is there any reason one of ordinary skill in the art of transportation systems would look to Brooks to teach multi-system payment solutions. Applicant therefore respectfully submits that even if, *in arguendo*, Brooks is an appropriate reference for the technical field of the present invention, it fails to teach or suggest an access device that allows a passenger to “pay for travel on other means of transport” as required by independent claim 14.

#### Summary

At least in view of the above, Applicant respectfully submits that Brooks is not a proper reference against the present Application because of its non-analogous subject matter. Applicant further submits that even if Brooks is a valid reference (which Applicant disputes), it fails to teach or suggest any concept of paying for multiple modes of transportation. Applicant therefore submits that the Office Action fails to establish a *prima facie* case of obviousness with respect to independent claim 14.

#### Claims 32 and 40

Claims 32 and 40 pertain, respectively, to an elevator access device and an elevator system including an access device, both claims requiring, in pertinent part, that “said access device allows said passenger to access and pay for travel on other means of transport such as public transportation systems, taxis, trains, ships, airplanes, and other similar modes of transportation.”

Applicant respectfully submits that this limitation is similar to that discussed with respect to independent claim 14 and that Brooks is therefore not a proper reference against independent claims 32 and 40 for at least the same reasons set forth with respect to independent claim 14. Specifically, Brooks is non-analogous art with no concept or suggestion of payment for multiple transportation modes. Applicant therefore submits that the Office Action fails to establish *prima facie* obviousness of independent claims 32 and 40 for at least the same reasons as set forth with respect to independent claim 14.

#### Dependent Claims

With respect to claims 18, 21, 24 – 29, 33 – 35, 37, 41, 42, 46, 49, and 50, Applicant respectfully submits that these claims are allowable at least by virtue of their dependency from independent claims 14, 32, and 40. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### Summary

At least in view of the above, Applicants respectfully submit that the Office Action admits Hilford as being deficient with respect to independent claims 14, 32, and 40. Applicant therefore submits that, because Brooks is both non-analogous art and conceptually deficient in its teachings, the Office Action fails to establish *prima facie* obviousness of independent claims 14, 32, and 40 and all claims depending therefrom. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### **Claim Rejections under 35 U.S.C. §103 – Dependent Claims**

Claims 15 – 17, 19, 20, 22 – 23, 36, 38, 39, 43 – 45, 47, and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hilford and Brooks in view of Admitted Prior Art. Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

Applicant respectfully submits that claims 15 – 17, 19, 20, 22 – 23, 36, 38, 39, 43

– 45, 47, and 48 are allowable at least by virtue of their dependency from independent claims 14, 32, and 40. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**Claim Rejections under 35 U.S.C. §103 – Boesch**

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hilford and Brooks in view of U.S. Patent 6,205,433 to Boesch (“Boesch”). Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

Applicant respectfully submits that claim 31 is allowable at least by virtue of its dependency from independent claim 14. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**New Claims**

Applicants respectfully submit that claims 51 - 53 are allowable at least by virtue of their dependency from independent claims 14, 32 and 40.

**Conclusion**

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Naphtali Y. Matlis, Reg. No. 61,592, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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